

RESOLUTION NO- 2011-033

A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW THE RENOVATION AND CONSTRUCTION OF A NON-CONFORMING STRUCTURE WHICH EXCEEDS 66% OF THE VALUE OF THE EXISTING STRUCTURE BY GRANTING VARIANCES TO THE IMPERVIOUS SURFACE RATIO AND FRONT AND SIDE YARD SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 711 BAKERS LANE (RE#00011880-000000), PURSUANT TO SECTION 122-630 (4) b. and (6) a. & b. UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-28(b) of the Code of Ordinances provides that if voluntary reconstruction of a non-conforming residential structure exceeds 66% of the appraised value, variances are required; and

WHEREAS, Section 122-630 (4) b. and (6) a. & b. of the Code of Ordinances provides that the maximum impervious surface ratio is 60% and the minimum front yard setback is 10 feet and the minimum side-yard building setback is 5 feet in the HHDR zoning; and

WHEREAS, the applicant requested a variance to the impervious surface ratio and the front and side-yard setbacks to allow improvements to a non-conforming, historically contributing, residential structure which exceeds 66% of the value of that structure; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on

 Chairman

 Planning Director

June 29, 2011; and


WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

 Chairman

 Planning Director

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That variances for a non-conforming contributing building listed in the historic architectural survey for impervious surface ratio and front and side yard setback requirements, for a


Chairman

Planning Director

renovation project in the Historic High Density Residential (HHDR) zoning district for property located at 711 Bakers lane (RE # 00011880-000000), per Section 122-28 (b) and Section 122-630 (4) b. and (6) a. & b., of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, is hereby granted as shown on the attached plan set dated February 11, 2011 with the following condition:

The owner will actively maintain the swales shown on the plans for stormwater retention.

Section 3. It is a condition of this variance approval that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance approval, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new construction for which this variance approval is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a

 Chairman

 Planning Director

City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate this variance approval, which the variance approval shall be of no force or effect.

Section 5. This variance approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

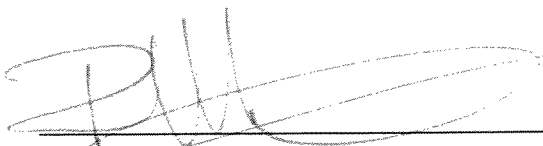
Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

 Chairman

 Planning Director

Read and passed on first reading at a special scheduled meeting held this 29th day of June, 2011.

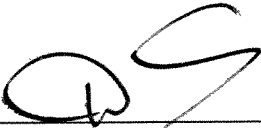
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

7/7/2011
Date

Attest:

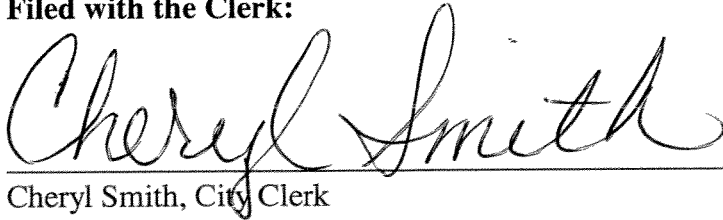


Donald Leland Craig, AICP
Planning Director

63011

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

7-8-11
Date



Chairman



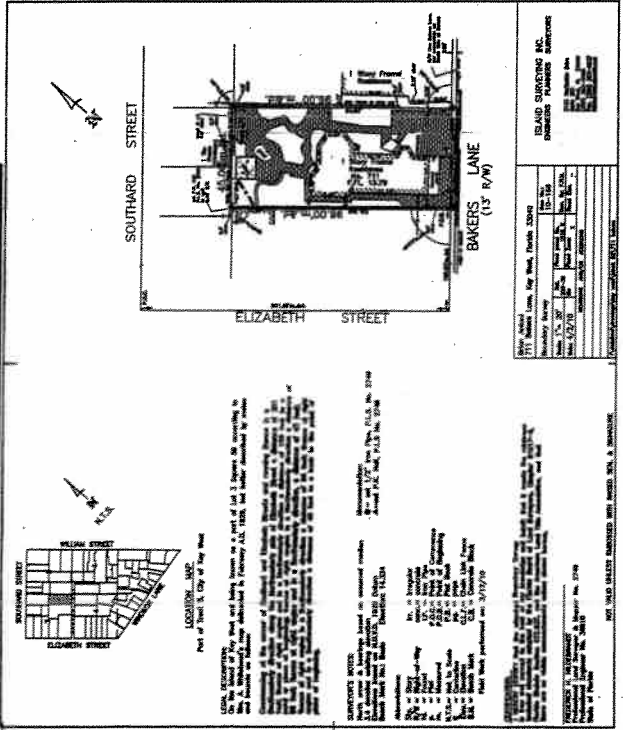
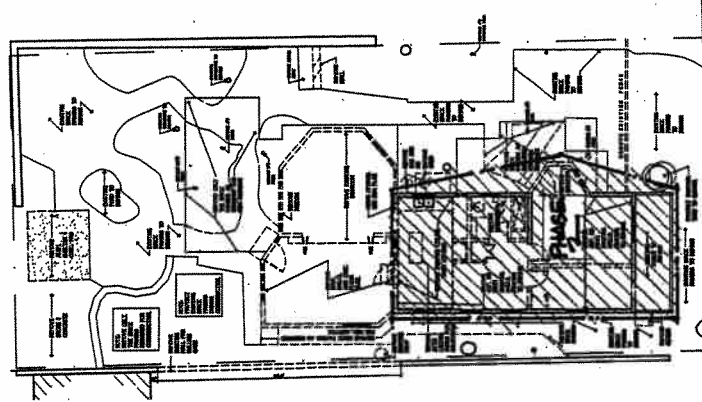
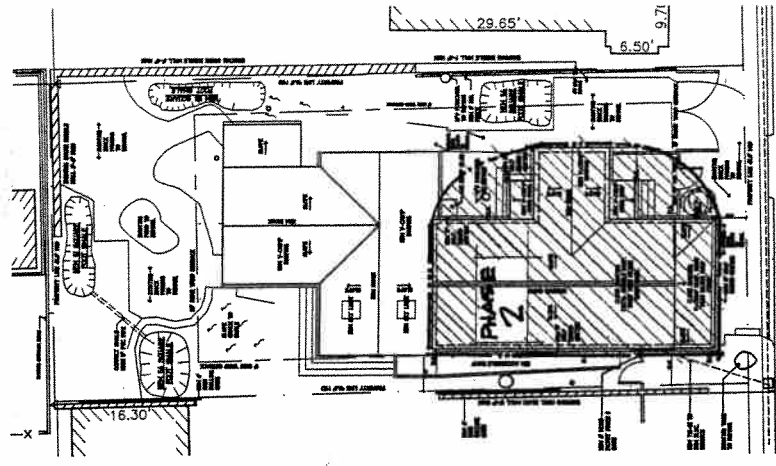
Planning Director

Bender

From: "Bender" <bender@bellatl.net>
To: "Eric Frier" <ericfrier@yahoo.com>; "Larry Erdine" <lerdine@earthlink.net>; "Law Oliver" <lawoliver@earthlink.net>; "Alan Moore" <alanmoore@earthlink.net>; "Bender" <bender@bellatl.net>; "Bender Cunningham" <bendercunningham@earthlink.net>; "Bender" <bender@bellatl.net>

NOTE: APRIL 5, 2021

KEY WEST PLANNING DEPT
APR - 1 2011

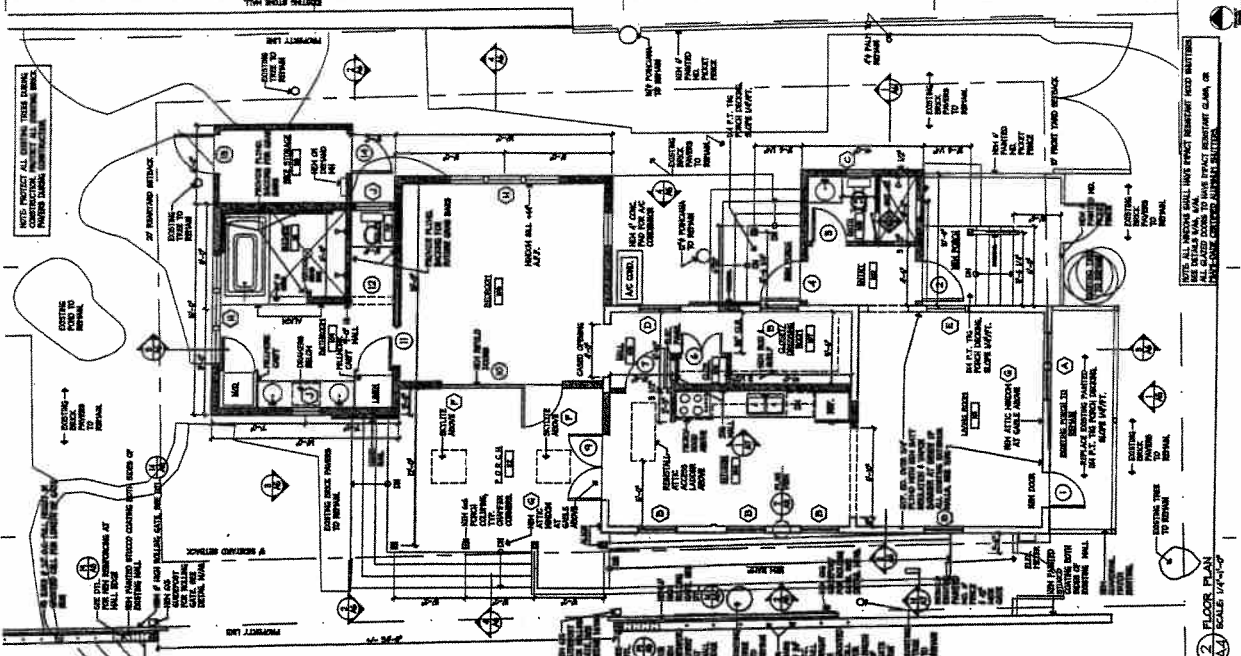


3 SURVEY
SCALE: 1" = 1'-0"

2 DEMOLITION PLAN
SCALE: 1" = 1'-0"

1 PROPOSED SITE PLAN
SCALE: 1" = 1'-0"

7/7/66



DOOR TYPES

DOOR HARDWARE

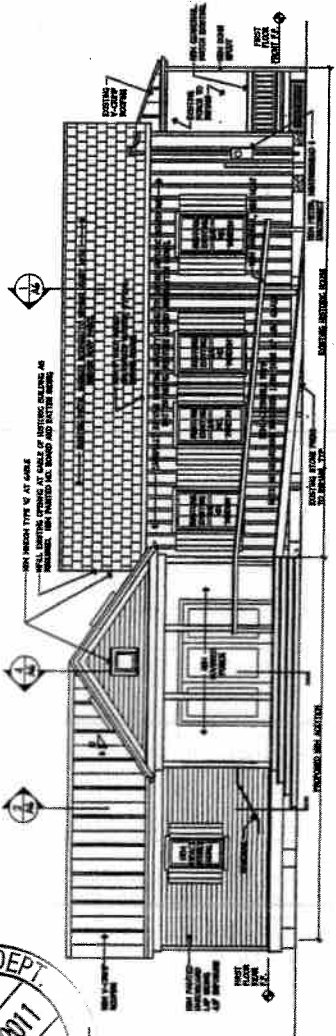
CHANGES TO REQUIRE ALL DOOR HARDWARE AND FINISHES TO MEET ALL APPLICABLE BUILDING CODES AND TO BE COMPLIANT WITH ADA REQUIREMENTS.

WINDOW TYPES

WINDOW NOTES

ALL WINDOW HARDWARE SHALL BE BRASS OR STAINLESS STEEL. ALL WINDOW HARDWARE SHALL BE FINISHED TO MATCH THE FINISH OF THE WINDOW FRAME.

NO.	ROOM NAME	FINISH	DETAILS	REMARKS
1	LIVING ROOM	WALLS	PAINT	PAINT
2	LIVING ROOM	FLOOR	WOOD	WOOD
3	LIVING ROOM	CEILING	PAINT	PAINT
4	LIVING ROOM	DOORS	WOOD	WOOD
5	LIVING ROOM	WINDOWS	WOOD	WOOD
6	LIVING ROOM	BATHS	WOOD	WOOD
7	LIVING ROOM	KITCHEN	WOOD	WOOD
8	LIVING ROOM	HALLS	WOOD	WOOD
9	LIVING ROOM	CLIMB	WOOD	WOOD
10	LIVING ROOM	STAIRS	WOOD	WOOD
11	LIVING ROOM	LANDING	WOOD	WOOD
12	LIVING ROOM	SCREEN	WOOD	WOOD
13	LIVING ROOM	SCREEN	WOOD	WOOD
14	LIVING ROOM	SCREEN	WOOD	WOOD
15	LIVING ROOM	SCREEN	WOOD	WOOD
16	LIVING ROOM	SCREEN	WOOD	WOOD
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96	LIVING ROOM	SCREEN	WOOD	WOOD
97	LIVING ROOM	SCREEN	WOOD	WOOD
98	LIVING ROOM	SCREEN	WOOD	WOOD
99	LIVING ROOM	SCREEN	WOOD	WOOD
100	LIVING ROOM	SCREEN	WOOD	WOOD



2 SIDE (WEST) EXTERIOR ELEVATION

NEW SKYLIGHT
SCALE: 1/8" = 1'-0"

NEW SKYLIGHT

Labels in the diagram include:

- VELUX skylight
- METAL ROOFING
- PLASTER CEILING
- GLAZED WALLS
- INSULATION
- VENTILATOR
- SHEDDING
- BASIS OF DESIGN: VELUX FOR PASSIVE HEATING
- UNDERGROUND
- PLASTER

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